REMARKS

Claims 1-17 are pending in the application. Claims 1-17 stand rejected.

Applicant respectfully requests reconsideration in view of the foregoing amendments and the remarks hereinbelow.

Rejection of Claims under 35 U.S.C. 103:

Claims 1-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Petelycky et al. (U.S. 6,204,840) in view of Yang et al. (U.S. 6,301,586). In response, the applicants offer the following remarks.

1. The cited combination fails to describe a histogram timeline and teaches away from the use of a timeline.

In the office action of September 23, 2004, claim 1 is rejected on the following grounds:

> *Regarding claim 1, Petelycky discloses a method for organizing visual digital objects and for selecting one or more of such visual digital objects for viewing, comprising the steps of: of a) developing a histogram timeline which identifies a number of visual digital objects organized according to predetermined time periods and providing thumbnail representations thereof (see column 3, lines 1 - 56).*

The applicants respectfully submit that they cannot find any support for the contention that Petelycky discloses either a histogram or a timeline. As an initial matter, the applicants note a simple electronic word search of the term "histogram" does not appear anywhere in the Petelycky reference. The applicants respectfully note that this interpretation appears to be inconsistent with the title of the the Petelcky reference which states as follows: "NON-TIMELINE, NON-LINEAR DIGITAL MULTIMEDIA COMPOSITION METHOD AND SYSTEM". The applicants also note that Petelycky also claims and discloses "non-timeline, non-frame" approaches to sequentially organizing individual pieces of image content for use in making images. Thus, not only does Petelycky fail to describe a "histogram timeline" but Petelycky clearly teaches away from the use of a timeline.

Instead, what is described in Petelycky at Col. 3, lines 1 – 56, is a method for composing a sequence of individual images, video or audio segments in sequential arrangement with transitions therebetween. Specifically, these lines state as follows:

The present composition system includes system software control functions that are highly user interactive and respond to user commands for selecting audio, video and multimedia objects from source materials, displaying these dynamically in a main viewing area, performing one or more composition tasks, applying such composition tasks dynamically to the object, previewing the composited object and placing the finished video, audio and related multimedia source material sequences in a production storyline facility for real-time preview of the sequence composition, and for production of the completed sequence.

The composition system and method of the present invention treat digital source segments, including still frame images, video, audio, three dimensional objects, animation and related multimedia source materials as "digital objects" and allow for both temporal and accurate display. Furthermore, the composition system and method of the present invention allow for application of special effects "filters" that can be applied equally and dynamically to all digital objects in the composition process. Audio special effects filters can be applied directly to an audio file which in turn can be applied to an animated three-dimensional video object such that it causes the object to react or modify its motion in a manner consistent with an audio (e.g., music) source file.

The present composition system and method do not rely on representing sequences as multiple static pictorial frames. Instead, the present composition system and method directly parallels the techniques employed in traditional physical film-based composition where editors view and work directly with temporal video and audio "objects" or film sequences that can be played back and forth, viewed, edited and enhanced in a dynamic, real time composing environment. Digital objects can be placed on the storyline in any desired order and can be dynamically manipulated and previewed by the operator at any time. Each digital object can be associated with a pictorial identifier. The identifier for the object can be drawn from any desired pictorial image source. In the case of video segments, the identifier representing a given object can be a single video frame selected either automatically by the system or manually by the operator. The present invention does not use separate frames or pictorial labels to denote the start and endpoint of given source material segments or sequences in a timeline as is characteristic of conventional, timeline-based digital composition systems and methods.

In the case of audio sources, representative object images are selected by the user from a library of representative audio images or automatically generated based on an analysis of the segment's audio wave patterns. Source materials and compositions referenced in the system's source material storage libraries can be grouped and sorted according to user specified criteria. Users can search for source materials stored on both local storage media as

well as on-line and network media storage devices according to a wide range of user defined criteria and object properties

See also,

Col. 7, lines 10 – 13 "Referring now to Fig. 1A, a computer system 10 for executing a non-timeline, non-linear digital multimedia composition program in accordance with the present invention to produce multimedia compositions is shown..."

Col. 9, lines 15- 19. "The non-timeline, non-linear multimedia composition program executed by computer system 10 overcomes the disadvantages associated with the above described prior art composition program and will now be described with reference to FIGS. 1D to 5E."

Claim 1 "A method for non-timeline, non-linear digital multimedia composition..."

Claim 5 "A system for non-timeline non-linear digital multimedia composition...

Claim 9. A computer readable media encoded with a computer program for creating non-timeline, non-linear digital multimedia compositions ..."

Thus, what is described in the relied upon section of Petelycky is a method for manually organizing individual images, video segments and audio segments into a sequence from which a multi-media output can be made. Nothing in Petelycky describes the process of developing a histogram and Petelycky explicitly teaches a NON-TIMELINE approach which, teaches away from the use of a timeline as claimed.

2. The cited combination fails to describe any structure that "identifies a number of visual digital objects organized according to predetermined time periods and providing thumbnail representations thereof.

Petelycky explicitly associates only one image with each presented thumbnail image. Petelycky does not show any embodiment wherein a number of different individual digital objects are organized according to predetermined time periods or the use of a thumbnail icon to represent more than one digital object.

3. The cited combination fails to describe selecting a portion of the histogram timeline for viewing such thumbnail representations of visual digital objects corresponding to such selected portion.

The office action of September 23, 2004 admits that Petelycky fails to explicitly teach selecting a portion of the histogram timeline for viewing such thumbnail representations of visual digital objects corresponding to such selected portion. However, the office action contends that Yang discloses selecting a portion of the histogram timeline for viewing such the male representations of visual digital objects corresponding to such a selected portion. And supporting this, the office action sites column 22, lines 8-60 of Yang.

However, column 22, lines 6-60 of Yang are part of a section that begins at column 21, lines 47 and continues to column 22, line 60 which states as follows:

> *[3.3.3 "Spreadsheet"]*
>
> *The spreadsheet view is shown in FIG. 27. Media files can also be viewed in the form of a database table. Each column of the table represents one of the properties of the associated media file. Each row of the table represents one record that stores all properties such as index, file type, format, size, date, time, file path and name, are automatically generated when the album is created, some of the properties such as description (comments) and keyword should be specified by the album creator. Some of the spreadsheet cells can be updated or edited like any standard spreadsheet editing. Viewing media files in database tables is more efficient in terms of speed and memory consumption.*
>
> *There are both vertical and horizontal scroll bars. Vertical bar will be enabled whenever there is not enough space for displaying more records. Horizontal bar will be enabled whenever there is not enough space displaying more columns. The users can scroll up and down or left to right to view more records or fields.*
>
> *In the spreadsheet view, there are two kinds of data fields: basic common fields and customized fields for each collection of albums. All of the albums have the same basic common field name. The basic common fields are: ImageID, VolumeID, Driver Letter, Volume Label, Label, Name, Description, Keyword, File Path, File Name, File Format, Date/Time Created, Date/Time Modified, Image Width, Image Height, Image Color Depth, and other camera related information.*

When the user highlights or selects a particular record, the corresponding thumbnail image will show up on the upper left corner of the spreadsheet, as illustrated.

To summarize, a user interface for displaying a database of multimedia objects including at least an image component and a non-image component with each component corresponding to a field in a database record for the multimedia component includes a display of at least a portion of a table having entries for multimedia objects in the database extending in a first direction and individual fields within each database record extending in a second direction perpendicular to the first direction, a cursor display of a mouse cursor superimposed over one of the tabular entries in the table display, and a pop-up display of a thumbnail of an image component of a multimedia object which pops-up when the mouse cursor is superimposed over the corresponding image component of the multimedia object.

The spreadsheet can be sorted by single clicking any of the columns. In addition, the user can change the column width by dragging the boundary on the right side of the column heading until the column is the width you want. The user can change the height of the row or record by dragging the boundary below the row heading until the row is the height you want.

The user can perform in cell editing for some of the editable columns such as description. As shown in FIG. 28, by clicking the right mouse button, the user can pop up the edit menu for performing editing function such as undo, copy, delete, paste, and select all. The user can directly work in the cell to type in the cell with up to maximum 256 characters. In order to update all of the updated data in the database, the user has to move the mouse cursor to next record. Otherwise, the previous edited data won't get saved in the database.

The global text annotation is designed to allow the user to change all of the text in the description filed. For example, the user may not want to type in detail description for each of the photos he/she took during the Paris vacation trip. Instead, as shown in FIG. 29, the user globally annotated the created photo album by Paris Trip. The user can also select one or several records for text annotation.

The user can select any of the image files and record one audio annotation file for the selected image, as shown in FIG. 30. The file format of the audio annotation file is "WAV", a standard windows audio file format. All of the audio annotation files are stored in the "Annotations" sub-directory.

FIG. 31 shows how the user can add one or more keywords to the selected image by either selecting a keyword from a list of the existing keywords or by typing in a new keyword.

Accordingly, what is actually described in the cited portions of Yang is a database of alpha-numeric records associated with image content. A user can select from among the content by moving a mouse to guide a cursor through the tables of the spreadsheet and clicking on a record representing an individual image to select the image.

Thus, the cited portion of Yang also fails to show a histogram. An electronic word search of Yang also reveals that Yang fails to use the word histogram anywhere. Further, Yang teaches away from the use of a histogram in the cited portion as it clearly calls for the use of a spreadsheet in which each multimedia clip is individually in the spreadsheet as a data record. There is no thumbnail representation of visual digital objects organized according to predetermined time periods. Further, there is no portion of the spreadsheet record of Yang that can be selected for viewing such thumbnail representations of visual digital objects. Instead, each record of Yang is associated with only one visual digital object.

3. The stated motivation for the combination is unclear and, to the extent it is understood, the cited motivation is not consistent with the results achieved by the present invention.

The Office Action of September 23, 2004 states that "*it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide selecting a portion of the histogram timeline for viewing such thumbnail representations of visual digital objects as taught by Yang to produce a multimedia output file from the storyline strip of Petelycky in order to enable the user for viewable or previewing histogram of the multimedia digital objects in digital object transition positions.*"

The applicants are unclear as to what this means and request clarification. To the extent that it is understood, it appears that the stated motivation is to combine the references for the purpose of generating some manner of computer multimedia output file having transitions. The applicants note that the pending

claims do not appear to be directed to such purpose. Accordingly, the motivation fails.

The office action of September 23, 2004 does not provide a separate rationale for the rejection of independent claim 12 other than to note that: "As claims 12-17 are analyzed as previously discussed with respect to claim 1-3 and 8-11." In response to this, the applicants note that claim 12 claims as follows:

> *12. (Original) A viewable histogram timeline, comprising:*
> *a) the histogram timeline which identifies a number of visual or multimedia digital objects organized according to predetermined time periods; and*
> *b) representations corresponding to portions of the histogram timeline which are actuable by a viewer selecting such portions to view such representations.*

The applicants further note that the above cited references fail alone and in combination to teach or describe the *histogram timeline which identifies a number of visual or multimedia digital objects organized according to predetermined time periods* for the following reasons:

1. Neither reference uses the word histogram, neither illustrates a histogram, and neither appears to discuss anything equivalent to a histogram;

2. The Petelycky reference teaches away from using a timeline in that it describes and claims a "NON-TIMELINE NON LINEAR DIGITAL MULTIMEDIA COMPOSITION SYSTEM;

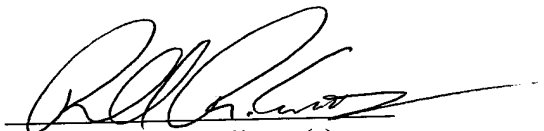
3. The cited references fail *to describe organizing a histogram that identifies a number of visual or multimedia digital objects organized according to predetermined time period* because neither reference describes any digital object that represents a number of digital objects that are organized according to a time period;

4. The cited references further fail to teach or describe *representations corresponding to portions of the histogram timeline which are actuable by a viewer selecting such portions to view such representations.* Instead, both of the references describe

only providing visual representations of digital images, video or audio sequences that are actuatable only to cause individual images to be presented. There is no mode in either of Petelycky or Yang that provides representations corresponding to portions of the histogram timeline. Further, neither Petelycky or Yang enables a viewer selecting such portions to view such representations by selecting a portion of a histogram.

It is respectfully submitted, therefore, that in view of the above amendments and remarks, that this application is now in condition for allowance, prompt notice of which is earnestly solicited.

Respectfully submitted,



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